

JUDICIAL ASSISTANCE

Drug Trafficking

Agreement Between the
UNITED STATES OF AMERICA
and **SINGAPORE**

Signed at Singapore November 3, 2000

with

Exchange of Notes



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

SINGAPORE

Judicial Assistance: Drug Trafficking

*Agreement signed at Singapore November 3, 2000;
Entered into force February 12, 2001.
With exchange of notes.*

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE
CONCERNING THE INVESTIGATION OF
DRUG TRAFFICKING OFFENCES AND
THE SEIZURE AND FORFEITURE OF PROCEEDS
AND INSTRUMENTALITIES OF DRUG TRAFFICKING

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The Government of the United States of America and the Government of the Republic of Singapore,

Desiring to improve the effectiveness of the law enforcement authorities of both countries in the investigation and prosecution of drug trafficking and in the seizure and forfeiture of the proceeds and instrumentalities of drug trafficking;

Have agreed as follows:

ARTICLE 1

DEFINITIONS

For the purposes of this Agreement:

(1) "Confiscation" or "confiscation order" means the deprivation or transfer of legal ownership or possession of proceeds or instrumentalities of drug trafficking, or benefits derived therefrom, as authorized by an order of a court for a drug trafficking offence;

(2) "Documentary information" includes, but is not limited to, any document, memorandum, report, record, or data compilation in any form, and any plan, graph, drawing, or photograph, and any disc, tape, or other device for audio reproduction or computer use, and any film, disc, negative, tape or other device for visual image reproduction;

(3) "Drug Trafficking" means engaging in unlawful production, supply, distribution, possession for supply, transport, storage, import or export of a controlled drug or substance, or engaging in any offence referred to in the United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), in Article 36 of the Single Convention on Narcotic Drugs (1961), as amended by the 1972 Protocol, or in any other international counter-narcotics agreement that is binding upon both Contracting States. 'Drug trafficking' also includes concealing or transferring benefits of drug trafficking or assisting another to retain or dispose of the proceeds of drug trafficking, which includes the offence known as 'drug money laundering.';

(4) "Forfeiture" means the deprivation or transfer of legal ownership or possession of proceeds or instrumentalities of drug trafficking, or the confiscation of such items, as authorized by an order of a court;

(5) "Freeze" means prohibit or restrain, by order of a court in the Requested State, the conversion, disposition, movement, or transfer of legal ownership of proceeds of drug trafficking;

(6) "Instrumentalities" means any and all moveable property, whether corporeal or incorporeal, tangible or intangible, and legal documents or instruments evidencing right or title to or interest in such property, used to further drug trafficking in any way or which contains evidence of a drug trafficking offence;

(7) "Proceeds" means any and all property, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing right or title to or interest in such property derived directly or indirectly from drug trafficking, or other property the value of which corresponds to that of such property and includes "benefits" derived directly or indirectly from drug trafficking; and

(8) "Seize" means assume custody or control of evidence or instrumentalities of drug trafficking, as authorized by order of a court in the Requested State.

ARTICLE 2

SCOPE OF ASSISTANCE

(1) To the extent permitted by their respective laws, the Contracting States shall provide mutual assistance, in accordance with the provisions of this Agreement, in the following areas:

- (a) the criminal investigation and prosecution of drug trafficking offences;
- (b) the tracing, restraint, and criminal forfeiture or confiscation of the proceeds and instrumentalities of drug trafficking;
- (c) the registration and enforcement of a forfeiture or confiscation order issued by a United States of America court or a Singapore court; and
- (d) the collection of evidence or other assistance as specified in this Article for use in civil forfeiture proceedings in the United States of America where —
 - (i) the request is permitted under Singapore law; and
 - (ii) the request contains the information specified in Article 6 (2) (e)(iv); and
 - (iii) one of the following conditions are satisfied:
 - (A) the proceeds or instrumentalities that are the subject of the proceedings are not located in Singapore, or
 - (B) the owner of the proceeds or instrumentalities is shown to be unknown, deceased, or a fugitive from justice; or
 - (C) criminal forfeiture proceedings would not be possible or would be inconsistent with the efficient, effective, and equitable administration of justice in the particular case; and
 - (iv) the Central Authority of Singapore, in its discretion, deems it appropriate to provide the requested assistance.

(2) For the purpose of paragraph (1), assistance shall include:

- (a) providing documentary information, including bank, financial institution, corporate, and business records, and items of evidence;
- (b) freezing and forfeiting or confiscating the proceeds of drug trafficking, and providing assistance in identifying and verifying such proceeds;

- (c) seizing and forfeiting or confiscating the instrumentalities of drug trafficking, and providing assistance in identifying and verifying such instrumentalities;
- (d) taking the testimony or voluntary statements of persons;
- (e) serving documents;
- (f) locating or identifying persons and property;
- (g) executing requests for searches and seizures; and
- (h) any other form of assistance not prohibited by the laws of the Requested State, as may be mutually agreed.

(3) The execution of requests made pursuant to this Agreement shall be subject to the terms of this Agreement and the laws of the Requested State.

ARTICLE 3

EXCLUSION OF THIRD PARTY RIGHTS

This Agreement is intended solely for mutual legal assistance between the Contracting States. The provisions of this Agreement shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

ARTICLE 4

CENTRAL AUTHORITIES

(1) Each Contracting State shall designate a Central Authority to make and receive requests pursuant to this Agreement.

(2) For the United States of America, the Central Authority shall be the Attorney General or a person designated by the Attorney General. For Singapore, the Central Authority shall be the Attorney-General or a person or body designated by the Attorney-General.

(3) The Central Authorities shall communicate directly with one another for the purposes of this Agreement.

ARTICLE 5

LIMITATIONS ON ASSISTANCE

(1) The Central Authority of the Requested State may deny assistance at any time if it is of the opinion that:

- (a) the execution of the request would impair the sovereignty, security, national or other essential interests of the Requested State or would be contrary to important public policy in the Requested State; or
- (b) the request is not made in conformity with this Agreement.

(2) Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to consider whether assistance can be given subject to such conditions as the Central Authority of the Requested State deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.

(3) If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

ARTICLE 6

FORM AND CONTENT OF REQUESTS

(1) Requests for assistance shall be in writing except in urgent cases. In urgent cases, the request may be made orally or in another form, but shall be confirmed in writing within five days thereafter unless the Central Authority of the Requested State agrees otherwise.

(2) A request made pursuant to this Agreement shall state that it is so made and shall include the following:

- (a) the name of the competent authority conducting the investigation, prosecution, or forfeiture or confiscation proceeding to which the request relates;
- (b) the purpose for which the request is made and the nature of the evidence, information, or other assistance which is sought;
- (c) a description of the nature of the investigation, prosecution, or forfeiture or confiscation proceeding in relation to which the request is made including the relevant facts and laws, and, where a person is suspected of having engaged in or benefitted from drug trafficking, or where property is suspected of being connected with drug trafficking, the name, identity, nationality, location or description of that person or property, if known;
- (d) a description of the evidence, documentary information, or other assistance sought;
- (e) a request for freezing, restraint or seizure of the proceeds, instrumentalities or evidence of drug trafficking shall also include:
 - (i) a statement describing the grounds for believing that the person who is the subject of the investigation, prosecution or forfeiture or confiscation proceeding has engaged in or benefitted from drug trafficking;
 - (ii) a description of the property to which measures of restraint or seizure are to be applied, including, as far as possible, the location of the property;
 - (iii) a statement specifying the connection between the person who is the subject of the investigation, prosecution or forfeiture proceeding and the property to which it relates;
 - (iv) a statement describing any grounds for believing that the property represents the proceeds or an instrumentality of drug trafficking;
 - (v) a statement describing the nature of the investigation, prosecution or forfeiture proceeding which has been instituted, and where a prosecution or forfeiture proceeding has not been instituted, a statement of when it is anticipated that it is likely to be instituted;
 - (vi) if applicable, a statement explaining why the United States of America is using civil forfeiture proceedings instead of criminal forfeiture proceedings; and

- (vii) a statement indicating the basis for belief that the proceeds, instrumentalities or evidence of drug trafficking may be found in the jurisdiction of the Requested State.
- (f) A request for registration and enforcement of forfeiture or confiscation orders shall also include:
 - (i) the original or a certified true copy of any forfeiture or confiscation order or judgment of a court in the Requesting State in relation to the property derived from or an instrumentality of drug trafficking and a summary of the grounds upon which the order or judgment was made;
 - (ii) where the person against whom the order was made did not appear in the proceedings which resulted in the forfeiture, a statement that the person had been given notice of the proceedings in sufficient time to enable the person to defend them;
 - (iii) a statement that the forfeiture order is in force and neither it nor any conviction to which it relates is subject to appeal;
 - (iv) a precise description of the property in respect of which forfeiture is sought, including where applicable, account numbers, name and identity of account holders, account balances, safe deposit box numbers, name and identity of owners of safe deposit boxes, and location of such proceeds or instrumentalities;
 - (v) in the case of money, a statement that at the date of the application, the sum payable under the order has not been paid or the amount which remains unpaid, or in the case of property, the property which has not been recovered;
 - (vi) details of any other party's interest in the property to be forfeited.
- (3) To the extent necessary, a request shall also include:
 - (a) the name, identity, nationality and location of any person from whom evidence is sought;
 - (b) a description of the manner in which any testimony or voluntary statement is requested to be taken and recorded, the subject matter of the evidence sought and whether sworn or affirmed statements are required;
 - (c) a list of questions to be asked of a witness;
 - (d) the identity and address of a person to be served, that person's relationship to the investigation, prosecution or forfeiture or confiscation proceeding, and the manner in which service is to be made;
 - (e) information on the identity and whereabouts of a person to be located;
 - (f) a precise description of the place or person to be searched and of the articles to be seized;
 - (g) a description of any particular procedure requested to be followed in executing the request;
 - (h) information as to the allowances and expenses to which a person asked to appear in the Requesting State will be entitled;
 - (i) the details of any requirement for confidentiality and the reasons thereof;

- (j) any time limit within which compliance with the request is desired;
- (k) in the case of a request for information from a financial institution, a statement that there are reasonable grounds for suspecting that a specified person has carried on or benefitted from drug trafficking; and
- (l) any other information that may be brought to the attention of the Requested State to facilitate its execution of the request.

(4) The Requested State may ask the Requesting State to provide any further information that appears to it to be necessary for the purpose of executing the request.

ARTICLE 7

EXECUTION OF REQUESTS

(1) The Central Authority of the Requested State shall promptly execute the request or, when appropriate, shall transmit it to the authority having jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute the request subject to and in accordance with the laws of the Requested State.

(2) The Central Authority of the Requested State shall make or assist in making all necessary arrangements for the representation in the Requested State of the Requesting State in any proceedings in connection with the request for assistance.

(3) If the Central Authority of the Requested State determines that execution of a request, or any portion thereof, would interfere with an ongoing criminal investigation or prosecution, or any other matter pending before the courts in the Requested State, it may postpone execution or make execution subject to conditions determined necessary after consultations with the Central Authority of the Requesting State. If the Requesting State accepts the assistance subject to the conditions, it shall comply with the conditions.

(4) The Requested State shall use its best efforts to keep confidential a request and its contents if such confidentiality is requested by the Central Authority of the Requesting State. If the request cannot be executed without breaching such confidentiality, the Central Authority of the Requested State shall inform the Central Authority of the Requesting State, which shall then determine whether the request should nevertheless be executed.

(5) The Central Authority of the Requested State shall respond to reasonable requests by the Central Authority of the Requesting State regarding progress toward execution of the request.

(6) The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the outcome of the execution of the request. If the request cannot be executed in whole or in part, the Central Authority of the Requested State shall inform the Central Authority of the Requesting State of the reasons therefor.

(7) The Central Authority of the Requesting State shall promptly inform the Central Authority of the Requested State of any circumstances, including any action taken in the courts of the Requesting State, which may affect the request or its execution.

ARTICLE 8

COSTS

(1) The Requested State shall pay, subject to paragraph (2) of this Article, all costs relating to the execution of the request, except for the fees of expert witnesses, the costs of translation, interpretation, and transcription, any legal fees of counsel retained by the Requesting State, and the allowances and expenses related to the travel of persons pursuant to Article 14, which fees, allowances and expenses shall be paid by the Requesting State.

(2) If the Central Authority of the Requested State notifies the Central Authority of the Requesting State that execution of the request might require costs or other resources of an extraordinary nature, or if it otherwise requests, the Central Authorities shall consult with a view to reaching agreement on the conditions under which the request shall be executed and the manner in which costs shall be allocated.

ARTICLE 9

LIMITATIONS ON USE

(1) The Requesting State shall not disclose or use information or evidence furnished under this Agreement for purposes other than those stated in the request without the prior written consent of the Central Authority of the Requested State. The Central Authority of the Requested State may give consent for the information or evidence to be used for purposes other than those stated in the request subject to terms and conditions it may specify and, if the Requesting State accepts the information or evidence subject to such terms and conditions, it shall comply accordingly.

(2) Nothing in this Article shall preclude the use or disclosure of exculpatory information to the extent that there is an obligation to do so under the Constitution of the Requesting State in a criminal prosecution. The Requesting State shall notify the Requested State in advance of any such proposed disclosure.

(3) Information or evidence that has been made public in the Requesting State in accordance with paragraph (1) may thereafter be used for any purpose.

ARTICLE 10

ASSISTANCE IN CONFISCATION OR FORFEITURE PROCEEDINGS

(1) A request may be made for assistance in securing the forfeiture or confiscation of the proceeds or instrumentalities of drug trafficking. The Contracting States shall assist each other, to the extent permitted by their respective laws, in relation to forfeiture or confiscation proceedings. This may include acting to freeze or seize the proceeds or instrumentalities of drug trafficking pending further proceedings, registering or enforcing court orders and judgments, or otherwise assisting in forfeiture or confiscation proceedings.

(2) Proceeds and instrumentalities forfeited in the Requested State pursuant to a request for assistance under this Agreement shall accrue to the Requested State, unless otherwise mutually decided.

ARTICLE 11

TESTIMONY OR EVIDENCE IN THE REQUESTED STATE

(1) The compelled testimony or voluntary statement provided by a person from whom evidence, including documentary information, articles, or items is requested pursuant to this Agreement, may be taken by affidavit, deposition, or such other form as may be specified in the Requested State.

(2) Upon request, the Central Authority of the Requested State shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.

(3) If compelled testimony is to be taken in the territory of the Requested State, the Requested State may permit the presence of persons as specified in the request during the execution of the request and may permit such persons to question the person giving the testimony where permissible by the laws of the Requested State.

(4) If a person gives a voluntary statement or deposition in the Requested State, the Requested State shall, with the consent of such person, permit the presence of persons as specified in the request during the execution of the request and shall permit such persons to question the person giving the statement or deposition.

(5) If the person referred to in paragraph (1) asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, the evidence shall be taken nonetheless and the claim made known to the Central Authority of the Requesting State for resolution by the authorities of that State.

ARTICLE 12

RECORDS OF GOVERNMENT AGENCIES

(1) The Requested State shall provide the Requesting State with copies of publicly available records, including documentary information in any form, in the possession of government departments and agencies in the Requested State.

(2) The Requested State may, to the extent permitted by its laws, provide copies of any documentary information in the possession of a government department or agency in that State that are not publicly available, but only to the same extent and under the same conditions as such documentary information would be available to its own law enforcement or judicial authorities. However, the Requested State shall have no obligation to provide such documentary information, and it may, in its sole discretion, deny a request entirely or in part pursuant to this paragraph without providing any reasons.

ARTICLE 13

CERTIFICATION AND AUTHENTICATION

(1) In the case of a request from the United States of America to Singapore:

- (a) any evidence that is produced in Singapore pursuant to Article 11 or is the subject of a voluntary statement taken under Article 11 may be authenticated by an attestation, including, in the case of business records, authentication in the manner indicated by Form A appended to this Agreement or such other form as may be agreed between the Central

Authorities. Official records produced in Singapore pursuant to Article 12 may be authenticated by the official in charge of maintaining them through the use of Form B appended to this Agreement, or such other form as may be agreed between the Central Authorities;

- (b) documents authenticated by Form A or Form B shall be admissible in evidence in the United States of America. No further authentication shall be necessary; and
- (c) any documents or other material supporting a request for assistance which seeks the exercise of compulsory powers or the restraint or confiscation of property shall, to the extent required by Singapore, be authenticated in accordance with paragraph (2).

(2) In the case of a request from Singapore to the United States of America, any documents or other material supplied in response to a request for assistance shall, to the extent requested, be authenticated if:

- (a) they purport to be signed or certified by a judge, magistrate, or officer in or of the United States of America; and
- (b) they are verified by the oath or affirmation of a witness or they purport to be sealed with an official seal of the United States of America or of a department thereof; or
- (c) they are done in such other form as may be agreed between the Central Authorities.

ARTICLE 14

TESTIMONY IN THE REQUESTING STATE

(1) When the Requesting State requests the voluntary appearance of a person in the territory of the Requesting State, the Requested State shall invite the person to appear before the appropriate authority in the Requesting State. The Requesting State shall indicate the extent to which the expenses of the person will be paid. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the response of the person.

(2) The Central Authority of the Requesting State may, in its discretion and to the extent permitted by its law, determine that a person appearing in the Requesting State pursuant to this article shall not be subject to service of process, or be detained or subjected to any restriction of personal liberty, by reason of any acts or convictions that preceded departure from the Requested State.

(3) The safe conduct provided for by this Article shall cease seven days after the Central Authority of the Requesting State has notified the Central Authority of the Requested State that the person's presence is no longer required, or if the person has left the Requesting State and voluntarily returned to it. The Central Authority of the Requesting State may, in its discretion, extend this period up to fifteen days if it determines that there is good cause to do so.

ARTICLE 15

LOCATION OR IDENTIFICATION OF PERSONS OR PROPERTY

If the Requesting State seeks the location or identity of persons or property in the Requested State, the Requested State shall use its best efforts to ascertain the location or identity.

ARTICLE 16

SERVICE OF DOCUMENTS

(1) The Requested State shall use its best efforts to effect service of any document in accordance with, in whole or in part, any request for assistance made by the Requesting State under the provisions of this Agreement.

(2) The Requesting State shall transmit any request for the service of a document in the manner indicated in Form C appended to this Agreement.

(3) The Requesting State shall transmit any request requiring the appearance of a person before an authority in a Requesting State within a reasonable time before the scheduled appearance.

(4) The Requesting State shall return a proof of service in the manner specified in the request.

ARTICLE 17

SEARCH AND SEIZURE

(1) The Requested State shall execute a request for the search, seizure, and delivery of any item to the Requesting State if the request includes the information justifying such action as permitted by and in accordance with the laws of the Requested State.

(2) Upon request, every official who has, or has had, custody of a seized item shall certify, through the use of Form D appended to this Agreement, or such other form as may be agreed, the continuity of custody, the identity of the item, and the integrity of its condition.

ARTICLE 18

RETURN OF DOCUMENTARY INFORMATION AND ITEMS

The Requesting State shall return any material provided when it is no longer needed for the purpose for which it was supplied unless otherwise agreed.

ARTICLE 19

COMPATIBILITY WITH OTHER ARRANGEMENTS

Assistance and procedures set forth in this Agreement shall not prevent either Contracting State from granting assistance to the other Contracting State through the provisions of any other applicable international agreements or through the provisions of its domestic laws. The Contracting States may also provide assistance pursuant to any other bilateral arrangement, agreement, or practice that may be applicable.

ARTICLE 20

CONSULTATION

The Central Authorities of the Contracting States shall consult, at times mutually agreed to by them, on any matter concerning the interpretation of and to promote the most effective use of this Agreement, either generally or in relation to a particular case. The Central Authorities may also agree on such practical measures as may be necessary to facilitate this Agreement.

ARTICLE 21

ENTRY INTO FORCE, TERMINATION AND EXPIRATION

(1) This Agreement shall enter into force on the date on which the Contracting States notify each other in writing of the completion of the internal procedures required for entry into force.

(2) This Agreement may be terminated by either Contracting State upon six months written notice to the other Contracting State.

(3) This Agreement shall apply to:

- (a) a request made after the entry into force of this Agreement, whether or not the drug trafficking to which the request relates occurred prior to the entry into force of the Agreement; and
- (b) a request for the registration and enforcement of a forfeiture or confiscation order if the order was made after the entry into force of this Agreement.

IN WITNESS whereof the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Singapore in English in duplicate on this 3rd day of November, 2000.



STEVEN GREEN
Ambassador
For the Government of the
United States of America



S JAYAKUMAR
Minister for Foreign Affairs
For the Government of the
Republic of Singapore

FORM A

CERTIFICATE OF AUTHENTICITY OF BUSINESS RECORDS

I, _____, attest on penalty
(name)
of criminal punishment for false statement or attestation that I am employed by
_____ and that my official title
(name of business from which documents are sought)

is _____. I further state that each of the records
(official title)
attached hereto is the original or a duplicate of the original record in the custody of

(name of business from which documents are sought)

I further state that:

- (a) such records were made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;
- (b) such records were kept in the course of a regularly conducted business activity;
- (c) the business activity made such records as a regular practice; and
- (d) if any such record is not the original, it is a duplicate of the original.

(signature)

(date)

Sworn to or affirmed before me, _____,
(name)

a judicial officer of _____, this _____ day of _____, 20____.

FORM B

ATTESTATION OF AUTHENTICITY OF
FOREIGN PUBLIC DOCUMENTS

I, _____, attest on penalty of criminal
(name)
punishment for false statement or attestation that my position with the Government
of _____ is _____ and that in that
(country) (official title)
position I am authorized by the law of _____ to attest that the
(country)
documents attached and described below are true and accurate copies of original official
records which are recorded or filed in _____,
(name of office or agency)
which is a government office or agency of _____.
(country)

Description of Documents:

(signature)

(title)

(date)

SINGAPORE

FORM C

NOTICE OF SERVICE OF PROCESS*

That you (state name and particulars, if available) are hereby being served with the following:

(State nature/type of process)

This service is made pursuant to a request by (Requesting State) under the Agreement Between the Government of the Republic of Singapore and the Government of the United States of America Concerning the Investigation of Drug Trafficking Offences and the Seizure and Forfeiture of Proceeds and Instrumentalities of Drug Trafficking. Please note, however, that by serving these documents on behalf of (the Requesting State), (the Requested State) takes no position with respect to the merits of any proceedings in (the Requesting State).

2. You are hereby notified that the effect of the acceptance of service of this process on you or your refusal to accept service of the said process or to comply with the terms of the process are as follows:

- (1) If the process is a summons to appear as a witness in (the Requesting State), you will not be subject to any liability, penalty or otherwise be prejudiced in law in (the Requesting State) by reason only of your refusal or failure to accept or comply with the summons notwithstanding any contrary statements in the said process.
- (2) (state other possible consequences, if any, in refusing or failing to accept service or failing to comply with the terms of service of process in the Requesting State).

3. Please review the enclosed documents carefully for instructions and deadlines. If you have any questions about them, you may contact (the Central Authority of the Requesting State) directly at (phone number), or contact the Embassy or consulate of the (the Requesting State) in your area. You may also contact (phone number, etc. of proper authority of the Requested State).

Central Authority of the Requesting State

Date

* Please note that the service of the above process does not impose any obligation under the laws of the Requested State to comply with it.

UNITED STATES OF AMERICA

FORM C

NOTICE OF SERVICE OF PROCESS

That you (state name and particulars, if available) are hereby being served with the following:

(State nature/type of process)

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There is no penalty under the law of (the Requested State) solely for accepting or refusing to accept service, or for complying or refusing to comply with the terms of the enclosed process, notwithstanding any contrary statements that may appear in the said process. However, you may wish to seek advice as to the possible consequences of failing to comply with the service of documents under the law of (the Requesting State).

Please review the enclosed documents carefully for instructions and deadlines. If you have any questions about them, you may contact (the Central Authority of the Requesting State) directly at (phone number, etc., of proper authority of the Requested State for contact), or contact the Embassy or consulate of (the Requesting State) in your area. You may also contact (phone number, etc., of proper authority of the Requested State for contact).

Central Authority of the Requesting State

Date

ATTESTATION WITH RESPECT TO SEIZED ARTICLES

Changes in condition while in my custody:

(date)

17



MINISTER FOR FOREIGN AFFAIRS
SINGAPORE

3 November 2000

His Excellency Steven Green
Ambassador of the United States of America

Excellency:

I have the honour to refer to the Agreement Concerning the Investigation of Drug Trafficking Offences and the Seizure and Forfeiture of Proceeds and Instrumentalities of Drug Trafficking ("the Agreement"), signed today between the Government of the United States of America and the Government of the Republic of Singapore, and in particular to Article 5(1)(a) of the Agreement.

Article 5(1)(a) states that the Central Authority of the Requested State may deny assistance at any time if "the execution of the request would prejudice the security or other essential interests of the Requested State." The Parties agree that the term "other essential interests" in Article 5(1)(a) shall include, for the Republic of Singapore, all of the limitations on assistance set forth in Section 20 of Singapore's Mutual Assistance in Criminal Matters Act 2000, so long as this law is in effect.

I have the further honour to propose that this Note and your Excellency's reply confirming on behalf of your Government the foregoing understanding shall be regarded as an agreement between the two Governments, which shall enter into force simultaneously with the Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.


S JAYAKUMAR

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 704/00

Singapore
3 November 2000

Excellency:

I have the honor to acknowledge receipt of Your Excellency's Note of 3 November 2000, which reads as follows:

"I have the honour to refer to the Agreement Concerning the Investigation of Drug Trafficking Offences and the Seizure and Forfeiture of Proceeds and Instrumentalities of Drug Trafficking ("the Agreement"), signed today between the Government of the United States of America and the Government of the Republic of Singapore, and in particular to Article 5(1)(a) of the Agreement.

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I have the further honour to propose that this Note and your Excellency's reply confirming on behalf of your Government the foregoing understanding shall be regarded as an agreement between the two Governments, which shall enter into force simultaneously with the Agreement.



Accept, Excellency, the renewed assurances of my highest consideration."

I have the honor to confirm on behalf of the Government of the United States of America that the above proposal is acceptable to the United States of America, and that Your Excellency's Note and this Note shall constitute an agreement between the two Governments, which shall enter into force simultaneously with the Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Steven J. Green', with a stylized flourish at the end.

Steven J. Green

Ambassador